

SENATE.....No. 67.

MESSAGE.

COUNCIL CHAMBER, *Feb. 23, 1842.*

To the Senate and House of Representatives :

GENTLEMEN,—The great interest which the Commonwealth has in that portion of the State of Maine, often called the Disputed Territory, seems to require that I should invite your attention to the subject. The north-eastern boundary still remains unsettled. Several years have elapsed in the tedious process of arranging a joint commission to designate the line, if they can agree, and if not, to have the matter brought to a close by an umpire; but my belief is, that this arrangement is yet incomplete.

While this state of things is pending, we learn from sources which seem to leave no doubt, that the government of Great Britain has appointed a special envoy to proceed to this country, to adjust the controversies which exist. The north-eastern boundary has been a leading topic of dispute, and will constitute a principal matter for diplo-

matic discussion. While this unusual movement of Great Britain seems to indicate a serious purpose of amicable adjustment, I cannot persuade myself that a special minister is despatched hither to arrange the remaining details of a joint commission, which seem to require no extraordinary array of diplomatic skill. I therefore anticipate, as a probable event, that this representative of Great Britain may be authorized to make other proposals of settlement. If, however, the subject be considered with attention, it is obvious that it must be disposed of in one of two ways. First, by ascertaining and establishing the line according to the terms of the treaty of 1783; or, second, by agreeing upon a conventional boundary instead of that described by the treaty. This Commonwealth has repeatedly declared her solemn and deliberative conviction that the pretensions of Great Britain do not find any just or plausible support from the treaty—for the terms of that instrument are too plain to be misapprehended, and afford the most satisfactory means of designating the line. Nothing has occurred to change or modify that opinion, and yet the controversy is kept open, and aggravated by the irritating circumstances which surround it, by a steady refusal on the part of Great Britain to acquiesce in what seems so plain a matter to us.

This being the state of things, it seems to me to be the manifest dictate of wisdom to look forward to probabilities, and to provide for the support of our rights and interests in any contingency that may occur. We have sufficient evidence that Great Britain deems the possession of a portion of the territory west of the treaty-line, of the greatest importance to her, to facilitate intercourse between her provinces;—we feel also, as if she could not resist with

violence the demonstrative proofs contained in the treaty, of our right to this territory. She has, therefore, in carrying out her wishes, manifestly but one alternative,—which is, to enforce, if she can, her pretension against right, or to propose a conventional boundary. If she takes the latter course, it must be founded on an equivalent for any concession made for her accommodation, and that equivalent must be satisfactory to Maine, which holds the right of State jurisdiction, and one moiety of the soil ; to Massachusetts, which holds the other moiety of the soil, and to the United States, which hold the power of negotiation and settlement ; for we can acknowledge no constitutional right to transfer territory and jurisdiction without the assent of the States interested.

Should questions of this description be discussed or listened to with favor by the United States and by Maine, the interest and rights of the Commonwealth involved in the issue would be of great magnitude and pressing importance.

Without any evidence of coming events beyond probability, I have thought such a contingency so likely to occur, that I could not reconcile it with my duty to leave it unprovided for. I have therefore brought it to your consideration, not because I doubt the character of our title to the territory, or because I would invite terms of compromise which would involve a voluntary surrender of what belongs to us, or would imply any uncertainty as to our resolute determination to maintain our rights, but that provisions may be made for making known the sentiments of the Commonwealth, in case terms of compromise shall be discussed with a view to a settlement. The sentiments of Maine and the United States are unknown to me, except as disclosed to the public ; but I do not view it as an

impossibility that terms may be proposed which will meet the approbation of both, and it is for this event I would have the Commonwealth prepared—that she may assert and vindicate her just rights, and at the same time do whatever is consistent with them to promote an amicable adjustment of the controversy. Believing the present provisions of law to be inadequate for this purpose, I submit for your consideration the propriety of such further legislation as shall enable the Commonwealth to meet any emergency which may come, in which her interests, as a State, shall be involved.

J. DAVIS.